

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21042

Application 29858 of **Douglas W. Grigg**
 3153 Pacific Avenue
 San Francisco, CA 94115

filed on **November 13, 1990**, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source
Unnamed Stream

Tributary to
Porter Creek thence Mark West Creek
thence Russian River

within the County of Sonoma

2. Location of point of diversion

By California Coordinate System in Zone #2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
POD#1; North 322,950 feet and East 1,822,400 feet	NW¼ of NE¼	15	8N	7W	MD

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Fire Protection Recreation	At Reservoir NW¼ of NE¼	15	8N	7W	MD	
Irrigation	NW¼ of NE¼	15	8N	7W	MD	25
	NE¼ of NW¼	15	8N	7W	MD	20
	SE¼ of NW¼	15	8N	7W	MD	25
					Total	70

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 35.0 acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year.

(0000005C)

6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005I)

7. Complete application of the water to the authorized use shall be made by December 31, 2010.

(0000009)

8. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe, or alternative facility, to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043A)

9. For the protection of fish and wildlife, permittee shall during the period December 15 through March 31, bypass a minimum of sixty percent (60%) of the average annual flow of the

Unnamed Streams which is equal to a bypass rate of 0.09 cubic feet per second (cfs). The total stream flow shall be bypassed whenever it is less than the designated rate.

(0000060)

10. The permittee shall install a device, satisfactory to the SWRCB, which is capable of measuring the bypass flow required by the conditions of this permit. Permittee shall submit within six months from the date the permit is issued, plans and specifications of the bypass flow measuring device to the Chief of Water rights for approval. The permittee shall furnish evidence which substantiates that the bypass flow measuring device has been installed. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0000062)

11. In accordance with section 1601, 1603, and/or 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until the permittee has entered into a stream bed alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fish and wildlife resources have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

12. Permittee shall, prior to construction, obtain the required Sonoma County grading permit. Prior to any grading, permittee shall submit to the Chief of the Division of Water Rights, SWRCB, an erosion control plan approved by the County of Sonoma. Prior to any site preparation work for vineyards, the applicant shall comply with the requirements of the Sonoma County Vineyard Erosion and Sediment Control Ordinance.

(00J0001)

13. Permittee shall not use more water under the basis of riparian right on the place of use authorized by this permit than permittee would have used absent the appropriation authorized by this permit. Consistent with this term, permittee may not divert any water for use on the place of use authorized by this permit under basis of riparian right. With the Chief of the Division's approval, this information may be modified, and permittee may use water under basis of riparian on the authorized place of use, provided that permittee submits reliable evidence to the Chief of the Division quantifying the amount of water that permittee likely would have used under the basis of riparian right absent the appropriation authorized by this permit. The Chief of the Division is hereby authorized to approve or reject any proposal by permittee to use water under the basis of riparian right on the place of use authorized by this permit.

(0360900)

(0490900)

14. Prior to diversion of water under this permit, permittee shall properly install, and maintain, an in-line flow meter capable of measuring the instantaneous rate and cumulative amount of water diverted under this permit. This meter shall be installed in the pipeline between the reservoir and the existing well water distribution line. Permittee shall maintain a record of the end-of-the-month meter readings. Permittee shall make these monthly records available to, or submit them whenever requested by, the Division of Water Rights.

(0060900)

(0090900)

15. Permittee shall submit detailed project design plans with the streambed alteration permit application, including a revegetation plan for the south perimeter of the reservoir. The revegetation plan shall describe the methods and procedures for replacing the topsoil in the disturbed area of post-construction activities. The plan shall also identify the types of native grasses, shrubs, or trees that will be planted or passively recruited to stabilize the soils and reduce the potential for erosion.

(0400500)

**ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD
ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

(A) Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(B) The amount authorized for appropriation may be reduced in the license if investigation warrants.

(C) Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.

(D) Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.

(E) Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

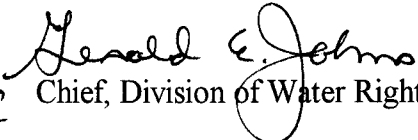
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUN 16 2000

STATE WATER RESOURCES CONTROL BOARD


For **Chief, Division of Water Rights**